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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,125

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Matthias Bergmann

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

08/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,125	Applicant(s) BERGMANN ET AL.	
	Examiner JAMARA A. FRANKLIN	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/07/06; 11/02/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1, 4, 12, and 17 are objected to because of the following informalities:

in claim 1, line 3, substitute "and/or" with --or--;

in claim 1, line 13, substitute "those" with --the--;

in claim 4, line 3, substitute "and/or" with --or--;

in claim 12, line 4, substitute "and/or" with --or--;

in claim 17, line 10, substitute "introducig" with --introducing--; and

in claim 17, line 18, substitute "it" with --the identifiers--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 7, 8, and 14-16, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

4. Regarding claims 7, 8, and 13-15, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker et al. (US 4,765,656) (hereinafter referred to as ‘Becker’).

Becker (as cited by the applicant) teaches

regarding claim 1,

a data carrier (identification card 1) into which, by a laser beam (laser beam 9), identifiers (user related data 2, 3) are introduced in the form of patterns, letters, numbers or images that are visible due to local changes in the optical properties of the data carrier, effected by the laser beam and resulting from material transformations, characterized in that:

the data carrier comprises a laser-sensitive recording layer (core layer 6) that is transparent in the visible spectral range and that is provided with a surface relief in the form of a lens grid (lenses 15), such that the identifiers are introduced with the laser beam from different directions through the lens grid into the recording layer and are perceptible when viewed from those same directions, and in that the data carrier is transparent at least in the area of the introduced identifiers (col. 7, lines 25-36);

the data carrier according to claim 1, characterized in that the changes in the optical properties of the data carrier are visible in transmitted light;

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the data carrier according to claim 1, characterized in that the changes in the optical properties of the data carrier are visible in reflected light;

the data carrier according to claim 1 characterized in that the lens grid comprises cylindrical lenses or spherical lenses (col. 6, lines 45-47);

the data carrier according to claim 1 characterized in that the recording layer is formed by a non-self-supporting layer of a thickness of about 1 micrometers to about 800 micrometers (fig. 2a and col. 7, lines 21-24);

the data carrier according to claim 1 characterized in that the recording layer is disposed in the interior of the data carrier;

the data carrier according to claim 1, characterized in that the identifiers comprise personal data, including a signature, a birth date, or a portrait (fig. 1);

the data carrier according to claim 1 characterized in that the identifiers comprise data relating to the data carrier, including a validity period, a card number, or information about the issuing authority or institute (fig. 1);

the data carrier according to claim 1 characterized in that the identifiers are present in screened form, the grid elements preferably being formed by rod-shaped pixels (col. 3, lines 58-68);

the data carrier according to claim 1 characterized in that the identifiers that are perceptible from different directions are present nested within each other in the recording layer;

the data carrier according to claim 1 characterized in that the data carrier exhibits an at least partially transparent main body, in or on which the recording layer and the lens grid are disposed (col. 5, lines 58-64);

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the data carrier according to claim 1 characterized in that the data carrier exhibits, in addition to the identifiers, black-and-white or colored impressions or further laser inscriptions (fig. 8);

the data carrier according to claim 1 characterized in that the data carrier is provided with one or more further security features, especially with luminescent, magnetic or electrical substances, or with optically variable structures, such as holographic structures (fig. 8);

the data carrier according to claim 1 characterized in that the data carrier constitutes a value document, including a banknote or an identification card (fig. 1);

the data carrier according to claim 1 characterized in that the data carrier constitutes a security element for application to a value document, including a banknote or an identification card (fig. 1); and

a value document, such as a banknote, identification card or the like, having a value document substrate having a window area or hole that is covered on one side or on both sides with a security element according to claim 15.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Drinkwater et al. (US 5,712,731) teach a security device for security documents such as bank notes and credit cards.

Labrec et al. (US 6,817,530) teach multiple image security features for identification documents and methods for making the same.

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Bravenec et al. (US 6,073,854) teach a telephone card or the like using lenticular lens material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

August 1, 2009
JAF

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